

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2013101099

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On October 28, 2013, Student's parent on behalf of Student (Student) filed a due process hearing request (complaint), naming the Los Angeles Unified School District (District). On November 21, 2013, Student filed an amended due process hearing request (amended complaint). Student did not file a motion seeking leave to amend. In the interests of judicial economy and convenience to both parties, Student's amended complaint will be treated as a motion seeking leave to amend.

No response has been received from the District to Student's filing. However, on December 5, 2013, the District filed a motion to continue the due process hearing (which is currently set to start on December 24, 2013).

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

Student's motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

Because the hearing date will be reset as a result of the filing of an amended complaint, the District's motion to continue the hearing is now moot.

IT IS SO ORDERED.

Dated: December 5, 2013

/s/

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SUSAN RUFF

Administrative Law Judge

Office of Administrative Hearings